

LoBiondo	Payne	Skeen
Lofgren	Pelosi	Skelton
Lowey	Pence	Slaughter
Lucas (KY)	Peterson (MN)	Smith (MI)
Lucas (OK)	Peterson (PA)	Smith (NJ)
Luther	Petri	Smith (TX)
Maloney (CT)	Phelps	Smith (WA)
Maloney (NY)	Pickering	Snyder
Manzullo	Pitts	Solis
Markey	Platts	Souder
Mascara	Pombo	Spence
Matheson	Pomeroy	Spratt
Matsui	Portman	Stark
McCarthy (MO)	Price (NC)	Stearns
McCarthy (NY)	Pryce (OH)	Stenholm
McCollum	Putnam	Strickland
McCrery	Quinn	Stupak
McGovern	Radanovich	Sununu
McHugh	Rahall	Tancredo
McInnis	Ramstad	Tanner
McIntyre	Rangel	Tauscher
McKeon	Regula	Tauzin
McKinney	Rehberg	Taylor (MS)
McNulty	Reyes	Terry
Meehan	Reynolds	Thomas
Meek (FL)	Riley	Thompson (CA)
Meeks (NY)	Rodriguez	Thompson (MS)
Menendez	Roemer	Thornberry
Mica	Rogers (KY)	Thune
Millender-	Rogers (MI)	Thurman
McDonald	Rohrabacher	Tiahrt
Miller (FL)	Ros-Lehtinen	Tiberi
Miller, Gary	Ross	Tierney
Miller, George	Rothman	Toomey
Mink	Roukema	Towns
Moakley	Roybal-Allard	Traficant
Mollohan	Royce	Turner
Moore	Rush	Udall (CO)
Moran (KS)	Ryan (WI)	Udall (NM)
Moran (VA)	Ryun (KS)	Upton
Morella	Sabo	Velázquez
Murtha	Sanchez	Visclosky
Myrick	Sanders	Vitter
Nadler	Sandlin	Walden
Napolitano	Sawyer	Walsh
Neal	Saxton	Wamp
Nethercutt	Scarborough	Waters
Ney	Schaffer	Watkins
Northup	Schakowsky	Watt (NC)
Norwood	Schiff	Watts (OK)
Nussle	Schrock	Waxman
Oberstar	Scott	Weiner
Obey	Sensenbrenner	Weldon (FL)
Olver	Serrano	Weller
Ortiz	Sessions	Wexler
Osborne	Shadegg	Whitfield
Ose	Shaw	Wicker
Otter	Shays	Wilson
Owens	Sherman	Wolf
Oxley	Sherwood	Woolsey
Pallone	Shimkus	Wu
Pascarell	Shows	Wynn
Pastor	Simmons	Young (AK)
Paul	Simpson	Young (FL)

NAYS—1

Capuano

NOT VOTING—21

Ackerman	Fattah	LaHood
Allen	Frost	McDermott
Clement	Gutierrez	Rivers
Costello	Hall (OH)	Stump
Cubin	Inslee	Sweeney
DeGette	Issa	Taylor (NC)
Dooley	Jones (OH)	Weldon (PA)

□ 1932

Messrs. TANCREDO, WAMP, ENGEL, MANZULLO, LARGENT, UDALL of Colorado and GREEN of Texas and Ms. HOOLEY of Oregon changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 10 H. Res. 134 I was absent because of mechanical problems with the aircraft I was

on. Had I been present, I would have voted "yea."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

QUESTIONABLE DECISIONS
COMING FROM SUPREME COURT

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I wanted to address myself this evening to a decision by the Supreme Court of the United States which came down around the end of last month, about 2½ weeks ago. It is a decision by the Supreme Court, a five to four decision, another one of those narrow decisions that is decided by one of the nine justices, which I think has very deep and compelling implications for every American.

Let me tell you what that decision entailed. It involved a case in the State of Texas. The situation was this: A woman, a young mother, was bringing two of her children home from soccer practice. She was driving a pickup truck. The two children were in the cab with her. She was driving through a community at 15 miles per hour.

She was stopped by a police officer of that community, and she was stopped because the police officer observed that she was not wearing a seat belt. There was no other infraction. She was driving below the speed limit, she had not violated any other of the vehicle and traffic laws or anything else. She was simply stopped by the police officer because he observed that she was not wearing a seat belt.

He stopped her, with her two children; and he placed her under arrest. He put her in handcuffs, arrested her, took her into custody, and was about to take the two children into custody when, fortunately, a neighbor came by and took custody of the two children and took them home. But the woman was arrested and taken off to jail in handcuffs. She was later forced to place bond, \$310 bond, for a violation, the fine for which would have been no more than \$50 if the maximum fine had been imposed.

The woman sued the city in Texas. It went through the court system and finally worked its way to the Supreme Court. The Supreme Court in a five to four decision declared that the officer was right in arresting her; he was right in putting her in handcuffs; he was right taking her into custody, taking her to jail; and it was right to force her to post a bail of more than \$300.

By the way, in the meantime they searched the vehicle. They searched the pickup truck, and they found some very dangerous equipment in the truck: A bicycle, two tricycles, a cooler for keeping beverages cool, some barbecue equipment, and a pair of children's shoes. That is what they found in the back of the truck. The Supreme Court said that that was right.

Now, I am here this evening talking about this because I am increasingly disturbed by these right-wing decisions that are being made by a court which places in jeopardy the civil liberties and the civil rights of every single American, because after that Supreme Court decision, the court in effect has made law. It is now the law of the land that any police officer in any community at any time can stop anybody for not wearing a seat belt and take them into custody and take their children into custody too, for that matter, apparently, and search their vehicle, simply because they were not wearing a seat belt.

It is interesting to note as I mentioned earlier it was a five to four decision. We are seeing a lot of these five to four decisions recently. The five justices included Justice Kennedy, who was appointed by President Reagan; Justice Rehnquist, appointed by President Nixon and elevated to be the Chief Justice of the Supreme Court by President Reagan; also joining in the majority was Justice Thomas, who was appointed by President Bush, the first President Bush; and also Justice Scalia, who was appointed by President Reagan. Also, oddly enough, Justice Souter, who usually has better sense than to join these other four in these decisions, but on this particular occasion it seems perhaps his experience as a prosecutor before becoming a judge may have overcome him and he displayed the kind of bad judgment which is exemplified in this five to four Supreme Court decision.

I am worried about this also because we have seen recently that the President of the United States, Mr. Bush, the second Mr. Bush, has made it clear that he is no longer going to take recommendations from the American Bar Association with regard to justices on any of the Federal courts, that is the Federal Appeals Court, the circuit courts or the United States Supreme Court; and instead he is going to take recommendations from the Federalist Society.

I think we all ought to be deeply concerned about what is going on in our courts and about the way that this particular decision typifies or exemplifies at least the kind of bad decisions that are being made on a five to four basis in the Supreme Court of the United States.

UPDATE ON CRISIS AFFECTING KLAMATH BASIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to update my colleagues in the House on the crisis affecting the people of the Klamath Basin in Oregon and California.

Yesterday I attended what was called a "bucket brigade." We had buckets like these representing each of the 50 States where we took water out of the lake and symbolically handed it down a chain of people 1.2 miles long to dump it in the A-Canal that this year will have no water in it.

These are the people that were at the rally. In all my years in public office, here and in Oregon, I have never seen close to 16,000 people turn out to protest a government action, but that occurred in Klamath Falls yesterday; peaceful, civil disobedience, making the case for reforming the Endangered Species Act.

Let me tell you what people are saying. Let me share with you some of the letters and comments. This from a Vietnam veteran who earned a medal for heroism, who flies in the Klamath Basin in a crop duster: "When the season starts up, we have just about used all our savings from the previous season. Taxes take a huge chunk out of my check. Since I have no retirement plan from work, I have to put what little I can into that. We have house payments due, food to put on the table, heating bills. I have no money left. I am going to have to start drawing from our IRA; and with penalties and interest, that is a poor option, but all I have. We are going to lose our house. We can't sell it, because everyone here is in the same boat. It is worth nothing. Help us."

And this from a woman from Malin: "The decision of no water for irrigation comes as a major disaster to our small communities of Malin and Merrill, Tooley Lake. The government can offer low interest loans, but who will be able to ever pay them back. Our spirit is broken. How can the government ever be trusted again? Contracts for water in the Klamath project, where, by the way, there are 1,000 farmers that will not get water this year for the first time since this project was created nearly 100 years ago, contracts for this water have been broken and our water stolen. Why would we build more storage, to have it taken away by another group? There are school football fields and city parks that will get no water this summer."

Mr. Speaker, there have already been traffic accidents on the major highway because this area is turning into a dust bowl, and it will this summer, because the government has said it needs all the water for the suckers in Klamath

Lake and for the salmon in Klamath River.

So the "reasonable" and "prudent" decision of the government, and I put those two words in quotes, is to say the ranchers and the farmers can have no water; the schools that rely on the water for their fields and the cities for their parks will have no water; the people will have no income; the people will have no livelihood.

They have no way to survive if they have no water to put on their crops, because nothing will be raised, nothing will be grown, nothing will be harvested, because the Endangered Species Act as written today makes no provision for people, for communities like Klamath Falls or Malin or Merrill or Tooley Lake.

□ 1945

No, these people are left off the plate. They have no seat at the table of public policy. They are being wiped out by this decision. It is wrong. The time has come to change and amend the Endangered Species Act so that we do not make these unilateral decisions that wipe people out.

Mr. Speaker, 16,000 people in the Klamath Basin turned out yesterday to try to get the attention of the country, to get the attention of this Congress that change is needed. We can work together to have a cleaner environment, but we do not have to wipe agriculture off the map to do it. We can work together to provide for habitat for fish, but we do not have to create a dust bowl to do it. We do not have to rely on science that is now being questioned by those who have finally had an opportunity to look at it who say, maybe that science is not right.

But let me tell my colleagues, on April 6, the decision was made: the headgates will be closed and they will be closed all year. The water will not flow. It is too late to plant. The contracts will be lost. Farmers have nothing to put in the ground, and if they did, no water to make it grow.

So, we will approach this Congress for disaster relief. It is an option we wish we did not have to take; but we will, because we have no other option for this year. We will approach this Congress and vigorously fight for changes in the Endangered Species Act. This can happen to you, because it has happened to these people who fight for our country and provided for our people and farmed the land.

CONFERENCE REPORT ON H. CON. RES. 83, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002

Mr. NUSSLE submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for

fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011:

CONFERENCE REPORT (H. REPT. 107-60)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 83), establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

(a) *DECLARATION.*—Congress determines and declares that the concurrent resolution on the budget for fiscal year 2001 is revised and replaced and that this resolution is the concurrent resolution on the budget for fiscal year 2002 including the appropriate budgetary levels for fiscal years 2003 through 2011 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) *TABLE OF CONTENTS.*—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2002.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Major functional categories.

Sec. 103. Reconciliation in the Senate.

Sec. 104. Reconciliation in the House.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

Sec. 201. Restrictions on advance appropriations in the House.

Sec. 202. Restrictions on advance appropriations in the Senate.

Sec. 203. Mechanism for implementing increase of fiscal year 2002 discretionary spending limits.

Sec. 204. Compliance with section 13301 of the Budget Enforcement Act of 1990.

Subtitle B—Reserve Funds

Sec. 211. Reserve fund for Medicare.

Sec. 212. Reserve fund for Family Opportunity Act.

Sec. 213. Reserve fund for agriculture.

Sec. 214. Reserve fund for additional tax cuts and debt reduction.

Sec. 215. Technical reserve fund for student loans.

Sec. 216. Reserve fund for health insurance for the uninsured.

Sec. 217. Reserve fund for defense in the Senate.

Sec. 218. Strategic reserve fund in the House.

Subtitle C—Miscellaneous Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.

Sec. 222. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE AND CONGRESS PROVISIONS

Subtitle A—Sense of the Senate

Sec. 301. Sense of the Senate on conservation.